

Legal professions involved in the justice system focusing on the attorney – client relationship.

Abstract

The purpose of my thesis is to analyse the attorney – client relationship, especially some of the essential elements of this relationship.

The thesis is composed of five chapters.

Chapter One is introductory and defines the attorney as a one of the legal professions involved in the justice system, looks at the reasons of formation and existence of these professions and gives a brief insight in the attorney – client relationship's history.

Chapter Two deals with the ways the attorney – client relationship is created. It can be both contractually and non-contractually (appointing by court and determination by Czech Bar Chamber).

Chapter Three is the largest chapter of the thesis and is subdivided into two parts. The first part concentrates on the attorney's rights and duties, such as for example duty to protect and promote client's interests, duty to follow client's instructions, duty of confidentiality, duty to be insured, right to remuneration and others. The second part focuses on the client's rights and duties and explains them as a counterpart of the attorney's rights and duties, because of the synallagmatic character of the attorney – client's relationship.

Chapter four is engaged in the ways the attorney – client relationship is ended. Most common reason is the fulfillment of the contract; another reason is the dismissal of the contract and finally the death of the attorney or the client.

Conclusions are drawn in Chapter Five. Eventhough the rights and duties of the attorney (and the client) are contained in the Czech legislation, attorney should also comply moral rules to be the real protector of his client. For this case I assume that incorporating psychological tests into the bar examination could be beneficial.